

**MINUTES OF THE
LIVESTOCK FACILITY SITING REVIEW BOARD
TELECONFERENCE MEETING
Friday, January 21, 2011**

**Boardroom 106
Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive, Madison, WI**

Chair Holte called the meeting to order at 12:05 p.m. Other LFSRB members present were Andy Johnson, Fran Byerly, Lee Engelbrecht, Jerry Gaska and Bob Topel. A quorum was present. All LFSRB members participated by phone. DATCP staff present at the meeting site were Cheryl Daniels, Mike Murray, and Lori Price.

Call to order: open meeting notice; approval of agenda; approval of November 5, 2010, meeting minutes

Holte confirmed the meeting agenda was publicly noticed, as required, and then presented the agenda for approval. Johnson moved to approve the agenda as written, and Topel seconded the motion. The motion passed.

Holte presented the November 5, 2010, meeting minutes for approval. Johnson made a motion to approve the minutes as written, and Byerly seconded the motion. The motion passed.

Election of LFSRB officers

Johnson made a motion to nominate Holte for LFSRB Chair, and Byerly seconded the motion. Byerly made a motion to nominate Johnson for LFSRB Vice Chair, and Gaska seconded the motion. Topel made a motion to nominate Selk for LFSRB Secretary, and Gaska seconded the motion. No other nominations were received for the three offices. Byerly made a motion for the LFSRB to approve the nominated slate of LFSRB officers. Topel seconded the motion. The motion passed.

Status of renewal of LFSRB members

Daniels reported that she has brought the matter of 4 LFSRB members awaiting Senate confirmation on their LFSRB reappointments to the attention of the new DATCP Secretary, Ben Brancel. Holte, Byerly, Selk, and Gaska will continue to serve while waiting for a decision on their appointments by the new Secretary and Senate confirmation of their appointments.

Response to appellate court decision on Larson Acres, Inc. v. Town of Magnolia, Docket No. 07-L-01

Daniels reported that she did not see this case on the State Supreme Court's calendar, and there has also been no communication from the Supreme Court declining to hear this case. The

Supreme Court's spring calendar runs until June, so it is unlikely the case will be heard by the Supreme Court this year. The Appellate Court's decision will be upheld in the meantime.

Appeal of LFSRB decision in Larson Acres, Inc., v. Town of Magnolia, Docket No. 10-L-01

Daniels reported that the case is currently in Circuit Court awaiting a decision, if any, by the State Supreme Court on the previous case. If the Supreme Court does not accept the previous case for consideration or upholds it, this case will be dismissed.

Update on the Livestock Facility Siting Technical Expert Committee report sent to the DATCP Secretary

Murray recapped what has been done so far in the ATCP 51 review done in the 4th year of the livestock siting rule: listening sessions were held to get feedback on how the rule was working, and the DATCP report included public comments and staff evaluation, setting the stage for further review by the Livestock Siting Technical Expert Committee. The Committee formed three subcommittees to review the odor, engineering, and nutrient management standards and return to the full Committee with recommendations. The recommendations were assembled into a report that was given to the DATCP Secretary in December 2010. Murray gave a brief description of the recommendations (found at <http://datcp.wi.gov/uploads/Environment/pdf/LSTechCommitteeReportFinal.pdf>). There has been no timeframe set yet on moving the recommendations forward into the rule making process. The possible next steps might include an advisory group to consider draft rule changes and ultimately the ATCP Board must vote to send the draft to public hearing. Daniels added that if the draft rule goes to public hearing, the LFSRB either individually or as a group can comment on the draft rule changes. Once developed, Murray will present the draft rule at an LFSRB meeting. Johnson asked if the Livestock Siting Technical Expert Committee discussed monitoring by different entities. Murray responded that the Committee discussed this area, but it was hard for the Committee to assess due to a lack of hard data on what has been done in the field. The Committee felt it was appropriate for the Department to put together a plan on how to monitor permitted facilities.

Presentation of proposed changes to LFSRB bylaws pertaining to electronic submittal of case files and related communications issues

Daniels reviewed the changes to the bylaws and reported that she has not received any comments back on the changes. If the LFSRB approves the changes, Daniels will revise the appeal forms and send them along with the updated bylaws to the LFSRB. Topel made a motion for the LFSRB to approve the changes made to the bylaws. Johnson seconded the motion. The motion passed.

Board schedule and future agenda items

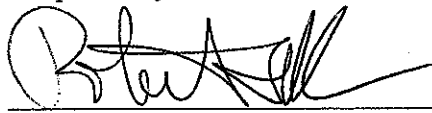
Daniels reported that there is no indication of future appeal cases for the LFSRB to review at this time. She cancelled the February LFSRB meeting.

Johnson asked if DATCP was continuing its efforts to educate communities on livestock siting, and if there will be any more livestock siting ordinances done. Murray responded that the number of new ordinances has slowed down but he continues to meet with communities that are considering a livestock siting ordinance. Once any rule changes take place, DATCP will also need to educate the public on the changes. Also, as communities review their comprehensive plans, livestock siting is brought up in the discussion. Murray added that he receives occasional calls from communities that inadvertently forgot to initially report the adopted ordinance to the Department.

Adjourn

Being no further business before the LFSRB, Johnson moved to adjourn the meeting and Byerly seconded the motion. The motion passed, and the meeting adjourned at 12:37 p.m.

Respectfully submitted,



Bob Selk, Secretary

1.30.12

Date

Recorder: LP